

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Angela Babb,

2:15-cv-00562-JAD-PAL

Plaintiff

V.

Nugent, LLC dba Great Clips, a Nevada limited liability company,

Defendant

**Order Denying Motion to Dismiss as
Moot Due to Amended Complaint
[#6]**

11 Plaintiff Angela Babb brings this action against her employer Nugent, LLC dba Great Clips,
12 for alleged violations of the Americans with Disabilities Act, the Fair Labor Standards Act, and
13 Nevada law.¹ Twenty days after the defendant moved to dismiss her claims,² Babb filed an amended
14 complaint.³

15 Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure permits parties to amend their
16 complaints once as a matter of course within 21 days of a motion to dismiss.⁴ Plaintiff's amended
17 complaint was timely filed as of right. Once filed, an amended pleading supersedes the original
18 pleading in its entirety, mooting a motion to dismiss the original pleading. *See Forsyth v. Humana,*
19 *Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997).

20 Accordingly, the defendant's motion to dismiss **[Doc. 6]** is **DENIED** as moot and without
21 prejudice.

Dated June 3, 2015.


Jennifer A. Dorsey
United States District Judge

26 || 1 Doc. 1.

27 || 2 Doc. 6.

28 || ³ Doc. 14.

⁴ Fed. R. Civ. P. 15(a)(1)(B).